IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 1154 of 1992
In
CIVIL APPLICATION No. 3633 of 1998
In
CIVIL APPLICATION No. 9385 of 2001

For Approval and Signature:

THE HON'BLE MISS JUSTICE R.M.DOSHIT

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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PRAFUL AMBALAL - Petitioner(s)

Versus

BHANUMATI MORARJI PANCHAL - Respondent(s)

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Appearance :

Petitioner :: Served

MR NV ANJARIA for Respondent No(s).: 1.

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CORAM :THE HON'BLE MISS JUSTICE R.M.DOSHIT

Date : 15/06/2005

ORAL JUDGMENT

Feeling aggrieved by the judgment and order dated 25th August, 1992 passed by the learned Extra-Assistant Judge, Navsari in Regular Civil Appeal No. 68 of 1986, the appellant in Regular Civil Suit No. 145 of 1980 has preferred the present Revision Application under Section 29 (2) of the Bombay Rents, Hotel &Lodging House Rates Control Act, 1947 [hereinafter referred to as " **the Act"**].

The petitioner [hereinafter referred to as, "**the defendan**t"] is the tenant in the suit premises, a residential room in House No. 1/586, situated at Valsad for a monthly rent of Rs. 30/=. The plaintiff instituted Regular Civil Suit No. 145 of 1980 in the Court of learned Civil Judge [JD], Valsad for recovery of possession of the suit premises on the ground that the defendant had not used the suit premises for six months and that the defendant had acquired an alternative accommodation. The plaintiff also claimed recovery of possession on the ground that she required the suit house for personal use. The learned Civil Judge, by judgment and order dated 31st January, 1986, decreed the suit. The learned Civil Judge was pleased to hold that the defendant had acquired a suitable alternative accommodation and that the plaintiff required the suit premises reasonably and bona fide for her personal use. The standard rent of the suit premises was fixed at Rs. 30/= per month. Feeling aggrieved, the defendant preferred Regular Civil Appeal No. 68 of 1986 in the Court of learned District Judge, Valsad. The appeal was heard by the learned Extra-Assistant Judge, Valsad. The lower appellate court, by judgment and order dated 25th August, 1992, confirmed the finding recorded by the trial Court and dismissed the appeal against the decree for possession. The standard rent of the suit premises was fixed at Rs. 25/= per month. Therefore, the present Revision Application.

Both the Courts below have recorded concurrent finding with respect to the reasonable and bona fide requirement of the suit premises of the plaintiff for her personal use. It has also been held that the plaintiff shall suffer greater hardship in the event the decree for possession were refused. As to the alternative accommodation availed of by the defendant, the learned Civil Judge found that the defendant had at least three residential houses in Valsad and that he was residing with his son in a residential quarter allotted to his son by his employer. The challenge to the finding that the defendant had acquired suitable alternative accommodation was not pressed before the lower appellate court.

In view of the above finding recorded by both the Courts below, the decree for eviction is inevitable. The Revision Application is, therefore, dismissed with cost. Rule is discharged. Interim relief is vacated.

Civil Applications stand disposed of.

[Miss R.M Doshit, J.]

*Prakash**